

REGULATION II - PERMITS AND FEES

RULE 280

FEES

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 280
FEES**

SECTION 100 - GENERAL

- 101 PURPOSE:** To establish fees to be charged to owners and operators of sources of air pollution subject to these rules.
- 102 APPLICABILITY:** Every person owning/operating equipment or engaged in activities that may cause or contribute to air pollution is subject to the prescribed fees in this rule.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 ANNUAL ADMINISTRATIVE FEE –** Paid annually by a source to recover the average cost of services required to administer the permit and conduct inspections.
- 202 BILLABLE PERMIT ACTION -** The review, issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.
- 203 EXISTING SOURCE -** A source that has commenced construction and has been issued a permit pursuant to ARS §49-480 after September 1, 1993.
- 204 ITEMIZED INVOICE -** A breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive (technical) review, and public involvement activities, and within each category, a further breakdown by employee name.
- 205 NON-MAJOR TITLE V SOURCE –** A source required to obtain a Non-Title V permit under Rule 200 to which both of the following apply:
- 205.1** The source is classified as a Synthetic Minor Source, and

205.2 The source has a permit that contains allowable emissions greater than or equal to 50% of the major source threshold.

206 REGULATED AIR POLLUTANT - For the purposes of Section 305, consists of the following air pollutants:

206.1 Any conventional air pollutant as defined in ARS §49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary national ambient air quality standard (NAAQS) except carbon monoxide (i.e., for nitrogen oxides (NO_x), lead, sulfur oxides (SO_x) measured as sulfur dioxides (SO₂), ozone, and particulates).

206.2 Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).

206.3 Any air contaminant that is subject to a standard contained in Rule 360 (New Source Performance Standards) of these rules or promulgated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act.

206.4 Any hazardous air pollutant (HAP) as defined in ARS §49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List Of Pollutants) of the Act.

206.5 Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing Of Class I And Class II Substances) of the Act.

207 SOURCES REQUIRED TO HAVE A TITLE V PERMIT - The following sources shall be considered sources required to have a Title V permit:

207.1 Any source required to have a Title V permit under Rule 200, Section 302;

207.2 Any source that qualifies for a Non-Title V permit but that elects to have a Title V permit under Rule 200, Section 302.

SECTION 300 - STANDARDS

301 TITLE V PERMIT FEES: The owner or operator of a source required to have a Title V permit shall pay fees according to the following provisions:

301.1 Fees For Billable Permit Actions: The owner or operator of a Title V source shall pay \$108.00 per hour, adjusted annually under Section 304, for all permit processing time required for a billable permit action. The fee shall be paid as follows:

- a. An application shall be submitted with the applicable fee from the table below:

Type of Application	Application Fee
New permit application	\$7,000
Significant permit revision application that is a result of a major modification	\$7,000
Other significant permit revision applications	\$1,000
Minor permit revision application	\$150
Permit renewal application	\$3,500

- b. At any time after submittal of the application, the Control Officer may request additional application fees based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed for a facility, the Control Officer shall send an itemized invoice. The invoice shall indicate the total actual cost of reviewing and acting upon the application, all fees previously submitted, and the balance due.
- d. The maximum fee for processing permit applications listed in subsection 301.1 is \$40,000.00.
- e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full.

301.2 Annual Fees: The owner or operator of a Title V source shall pay an annual administrative fee plus an emissions-based fee as follows:

- a. The applicable annual administrative fee from the table below, as adjusted annually under Section 304. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

Title V Source Category	Annual Administrative Fee
Aerospace	\$13,580
Cement Plants	\$44,520
Combustion/Boilers	\$10,820
Compressor Stations	\$9,420

*Continuous emissions monitoring relative accuracy test audit (CEM RATA)

Title V Source Category	Annual Administrative Fee
Expandable Foam	\$9,960
Landfills	\$11,800
Lime Plants	\$41,700
Copper & Nickel Mines	\$10,480
Gold Mines	\$10,480
Paper Mills	\$14,310
Petroleum Products Terminal Facilities	\$17,480
Polymeric Fabric Coaters	\$11,560
Reinforced Plastics	\$9,040
Semiconductor Fabrication	\$18,830
Copper Smelters	\$44,520
Utilities – Primary Fuel Natural Gas	\$8,450 + \$15,130 per turbine installed/modified after May 10, 1996 and subject to annual source testing or CEM RATA* certifications
Utilities - Fossil Fuel Except Natural Gas	\$22,760
Vitamin/Pharmaceutical Manufacturing	\$11,050
Wood Furniture	\$9,820
Others	\$12,250
Others With Continuous Emissions Monitoring	\$14,320

*Continuous emissions monitoring relative accuracy test audit (CEM RATA)

- b. An emissions-based fee of \$13.24 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year as determined by Section 305. The fee is adjusted annually under Section 304.

302 NON-TITLE V PERMIT FEES: The owner or operator of a source required to have a Non-Title V permit under Rule 200, Section 303 shall pay fees according to the following provisions:

302.1 Fees For Billable Permit Actions: Except for the renewal of an existing permit, the owner or operator of a Non-Title V source shall pay to the Control Officer \$108.00 per hour, adjusted annually under Section 304 of this rule, for all permit processing time required for a billable permit action. The minimum fee due shall be \$200.00. The fee shall be paid as follows:

- a. An application shall be submitted with an application fee of \$200.00.
- b. At any time after the submittal of an application the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed and final costs are greater than the fee submitted with the application under subsection 302.1(a), the Control Officer shall send an itemized invoice. The invoice shall indicate the total cost of reviewing and acting upon the application, all fees previously submitted, and the balance due.
- d. The maximum fee for processing permit applications listed in subsection 302.1 is \$25,000.00.
- e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full.

302.2 Annual Fees: The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304. The annual administrative fee covers the cost of renewing a Non-Title V permit. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date. Source categories designated as Tables A-G are listed in subsections 403.1-7.

Non-Title V Source Type	Annual Administrative Fee
Source listed in Table A	\$5,880
Source listed in Table B	\$1,660
Source listed in Table C – D	\$520
Source listed in Table E	\$370
Source listed in Table F	\$7,380
Source listed in Table G	\$4,780

303 GENERAL PERMIT FEES: The owner or operator of a source required to obtain a permit pursuant to these rules who elects to be covered by a general permit shall pay fees according to the following provisions:

303.1 Fees Due With An Application: The owner or operator of a source initially applying for authorization to operate under a General Permit shall pay the applicable fee from the table below with the submittal of the application. Source categories designated as Tables A-G are listed in subsections 403.1-7 of this rule.

Source Category Table	Application Fee
Title V General Permits	Fee from Section 301.2(a) table for Title V source category
Table A	\$3,580
Table B	\$1,190
Table C - D	\$380
Table E	\$290
Table F	\$6,200
Table G	\$4,030

303.2 Annual Fee: The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304. The annual administrative fee covers the cost of reapplying for authorization to operate under a General Permit. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date. Source categories designated as Tables A-E are listed in subsections 403.1-5

Source Category Table	Administrative & Permit Renewal Fee
Title V General Permits	Administrative Fee from Section 301.2(a) table for Title V source category
Table A	\$3,580
Table B	\$1,190
Table C - D	\$380
Table E	\$290
Table F	\$6,200
Table G	\$4,030

304 ANNUAL ADJUSTMENT OF FEES:

- 304.1** The Control Officer shall adjust the hourly rate every January 1, to the nearest 10 cents per hour, beginning on January 1, 2006. The Control Officer will multiply \$108.00 by the Consumer Price Index (CPI) for the most recent year as described in subsection 304.4, and then divide by the CPI for the year 2004.
- 304.2** The Control Officer shall adjust the administrative or permit processing fees listed in Sections 301-303 every January 1, to the nearest \$10, beginning on January 1, 2006. The Control Officer will multiply the administrative or permit processing fee by the Consumer Price Index (CPI) for the most recent year as described in subsection 304.4, and then divide by the CPI for the year 2004.
- 304.3** The Control Officer shall adjust the rate for emission-based fees every January 1, beginning on January 1, 2006. The Control Officer will multiply \$13.24 by the Consumer Price Index (CPI) for the most recent year as described in subsection 304.4, and then divide by the CPI for the year 2004.
- 304.4** The Consumer Price Index for any year is the average of the monthly Consumer Price Index for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

305 CALCULATION AND PAYMENT OF EMISSION FEES:

- 305.1** For purposes of this subsection, actual emissions means the actual quantity of regulated air pollutants emitted over the preceding calendar year or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:
- a.** Emissions quantities, including fugitive emissions, reported under Rule 100, Section 500 shall be used for purposes of calculating the permit fee to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emissions under Rule 100, Section 500 include the following:

 - (1)** Emissions estimates calculated from continuous emissions monitors certified under 40 CFR Part 75, Subpart C and referenced appendices, or data quality assured pursuant to Appendix F of 40 CFR, Part 60. 40 CFR Part 75 and referenced appendices and 40 CFR Part 60 Appendix F adopted as of July 1, 2001, (and no future additions) are incorporated by reference.

- (2) Emissions estimates calculated from source performance test data.
 - (3) Emissions estimates calculated from material balance using engineering knowledge of process.
 - (4) Emissions estimates calculated using AP-42 emissions factors.
 - (5) Emissions estimates calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in items (1) through (4) of this paragraph.
- b. Actual emissions shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

305.2 The following emissions of regulated air pollutants shall be excluded from a source's actual emissions for purposes of this section:

- a. Emissions of a regulated air pollutant from the source in excess of 4,000 tons per year.
- b. Emissions of any regulated air pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM₁₀.
- c. Emissions from insignificant activities excluded from the permit for the source under Rule 210.
- d. Fugitive emissions of PM₁₀ from activities other than crushing, belt transfers, screening, or stacking.
- e. Fugitive emissions of VOC from solution-extraction units.

305.3 A notice to pay the fee specified in subsection 301.2(b) and a declaration of emissions form will be mailed annually to the owner or operator of a source to which this subsection applies, along with the annual emission inventory questionnaire. The emission fee is due and payable by April 30 each year or by the ninetieth (90th) day following the date of notice, whichever is later.

- 306 HEARING BOARD FILING FEE:** A person filing a petition with the Hearing Board shall pay a fee of \$100.00. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.
- 307 CONDITIONAL ORDER FEE:** Any person applying for a conditional order pursuant to Rule 120 shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.
- 308 GASOLINE DELIVERY VESSEL FEE:** A person wishing to obtain a decal for each gasoline delivery vessel that passes the required annual test under Rule 352 shall pay a fee of \$280.00.
- 309 PERMIT TO BURN FEE:** A person applying for a Permit to Burn shall pay a fee as set forth in the following fee schedule:

Fire Category	Permit Period	Fee
Tumbleweeds	30 days	\$100.00
Fire Hazard	30 days	\$100.00
Fire Fighting Instruction	1 year	\$100.00
Ditch Bank/Fence Row	1 year	\$100.00
Disease/Pest Prevention	30 days	\$100.00
Land Clearance Less Than 5.0 Acres	30 days	\$150.00
Land Clearance 5.0 Acres Or Greater	30 days	\$350.00
Air Curtain Destructor	30 days	\$350.00

- 310 DUST CONTROL PERMIT FEE:** A person applying for a Dust Control Permit shall pay an annual fee as set forth in the following fee schedule, based on the total surface area that is disturbed:

Total Surface Area Disturbed Fee:

Annual Block Permit: \$2000.00

0.1 to less than one acre: \$150.00

One acre or greater: \$36.00 per acre plus \$150.00

Example: 6 acres = 6 x \$36.00 + \$150.00 = \$366

- 311 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEE:** Any person required to file notification under the provisions of Rule 370 of these rules shall pay a fee as follows:

- 311.1** Any person filing notification of a project to renovate regulated asbestos-containing materials shall pay a nonrefundable notification and plan review filing fee of \$425.00.
- 311.2** Any person filing notification of a project to demolish a facility (as defined in 40 CFR 61, Subpart M) shall pay a nonrefundable notification and plan review filing fee of \$425.00.
- 312 LATE FEE:** The Control Officer shall assess the following fees in addition to all other applicable fees:
- 312.1 TITLE V, NON-TITLE V, OR GENERAL PERMIT:** An applicant for a required permit who has received a Notice of Violation for constructing without such permit or for failing to file a timely application to renew such permit shall pay a late fee of \$100.00.
- 312.2 DUST CONTROL PERMIT:** Any person who is engaging in dust generating operations without a Dust Control Permit and has received a Notice of Violation for engaging in dust generating operations without a Dust Control Permit shall pay a late fee of \$100.00.
- 313 DELINQUENCY FEE:** An applicant or permittee who fails to pay any required fee(s) by 30 days after invoice due date shall pay a delinquency fee of \$50.00 or a delinquency fee of \$100.00 if delinquent over 60 days from the invoice due date. Applicants and permittees will be notified by mail of any permit delinquency fees that are due and payable.
- 314 SUBSCRIPTION FEE FOR RULE REVISIONS:** A person requesting to be placed on a mailing list to receive copies of new and revised rules shall pay to the Control Officer an annual subscription fee of \$35.00.
- 315 ACCELERATED PERMIT PROCESSING:** An applicant requesting accelerated permit processing shall pay fees to the Control Officer according to the following provisions:
- 315.1** Such a request shall be accompanied by an initial fee of \$15,000. The fee is nonrefundable to the extent of the Control Officer's costs for accelerating the processing if the Control Officer undertakes to provide accelerated processing as described in Rule 200, Section 313 of these rules.
- 315.2** At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.
- 315.3** Upon completion of permit processing activities but before issuing or denying a permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final invoice. The final invoice

shall include all regular permit processing and other fees due, as well as the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Control Officer shall refund the excess advance payments.

315.4 Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.

316 FAILURE TO PAY REQUIRED FEES: Nonpayment of fees required by this rule constitutes a violation as provided in ARS 49-502, 49-511 and 49-513.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 TRANSITION TO REVISED FEES: The revised fees, except for the emissions fee, in this rule shall become effective July 1, 2005. The revised emissions fee shall become effective January 1, 2006, beginning with the emissions reported for calendar year 2005.

402 PAYMENT OF FEES: All fees required by this rule shall be payable to Maricopa County Air Quality Department.

402.1 Annual Administrative Fees:

- a. Title V and Non-Title V Permits:** The Control Officer shall mail the owner or operator of a Title V or Non-Title V source an invoice for the annual administrative fee due under subsections 301, 302, and 303 at least 30 days prior to the anniversary date of the permit.
- b. General Permits:** The Control Officer shall mail the owner or operator of source authorized to operate under a General Permit an invoice for the annual administrative fee due under subsection 303 at least 30 days prior to the anniversary date of the authorization to operate.

402.2 Gasoline Delivery Vessel Decal Fee: Gasoline delivery vessel decal fee shall be paid at the time the application is submitted showing satisfactory test results prior to the issuance of the sticker required in the provisions of Rule 352.

402.3 Asbestos Removal Notification And Plan Review Fee: The asbestos removal notification and plan review filing fee shall be paid at the time the notification is submitted. The notification is not considered filed until the appropriate filing fee is paid.

402.4 Other Fees: Other fees shall be paid in the manner and at the time required by the Control Officer.

403 TABLE A, TABLE B, TABLE C, TABLE D, TABLE E, TABLE F, AND TABLE G SOURCES: For processes and equipment not listed below, the Control Officer will designate either Table A, Table B, Table C, Table D, Table E, Table F, or Table G applicability. Sources reclassified to a higher fee category due to the receipt of 3 complaints on different dates during a one year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial action shall remain in that classification until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.

403.1 Table A Sources:

- Aircraft Manufacturing
- Chemical Manufacturing, Dry
- Chemical Manufacturing, Liquid
- Circuit Board Manufacturing ≥ 5 Tons per Year VOC
- Coating Line, Can/Coil/Fabric/Film/Glass/Paper
- Ethylene Oxide Sterilization
- Gypsum, Calcining
- Incinerator, Medical Waste
- Incinerator, Hazardous Material
- Insulation Manufacturing
- Jet Engine Manufacturing
- Non-Major Title V Source
- Pesticide/Herbicide Production
- Petroleum Loading Racks And Storage Tanks At Bulk Terminals
- Pharmaceutical Manufacturing
- Polymeric Foam Products ≥ 25 Tons Per Year Potential Uncontrolled VOC Emissions Or Facility With Controls
- Printing Facilities ≥ 25 Tons Per Year Potential Uncontrolled VOC Emissions Or Facility With Controls
- Rendering
- Rubber Products Manufacturing
- Semiconductor Manufacturing Without VOC Control And < 25 Tons Per Year Of Potential Uncontrolled VOC Emissions
- Solid Waste Landfill
- Source Subject To BACT Determination
- Source Subject To A MACT, NESHAPS Or NSPS Standard Under CAA Section 111 Or 112 Unless Otherwise Identified In Another Table
- Source With 3 Or More Table B Processes
- Vegetable Oil Extraction

403.2 Table B Sources:

- Aerospace Products Manufacturing & Rework Not Subject To MACT
- Aggregate Screening
- Animal Feed Processing

Auto Body Shredding
 Bakery With Oven Of 25 Tons Per Year Of Potential Uncontrolled VOC Emissions Or Facility With Controls
 Boiler, Gas Fired, With ≥ 10 MMBtu/Hr (Includes Units Subject To The NSPS)
 Chemical/Fertilizer Storage, Mixing, Packaging And Handling
 Concrete Product Manufacturing
 Cotton Gin
 Cotton Seed Processing
 Crematory
 Cultured Marble
 Fiberglass Product Manufacturing
 Flour Milling
 Foundry
 Furnace, Metals
 Furnace, Burn-Off
 Furnace, Electric Arc
 Furnace, Other
 Gas Turbine, Non-Utility (Utility In Table A)
 Grain Cleaning/Processing
 Grain Storage
 Incinerator, Non-Hazardous Material
 Internal Combustion Engine, Other Than Emergency
 Pipeline Transmission Facility
 Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome And Hard Chrome Operations 60 Million Amp/Hrs Per Year Subject To MACT)
 Polymeric Foam Products Without Control And <25 Tons Per Year Potential Uncontrolled VOC Emissions
 Reinforced Plastics
 Rubber Products Manufacturing With Only Molding
 Soil Treatment/Remediation
 Soil Solvent Extraction System With Package Thermal/Catalytic Oxidizer/Carbon Adsorption
 Solvent Degreasing/Cleaning System, Solvent Use >3 Gallons Per Day
 Solvent Reclaiming
 Source With 3 Or More Table C Processes
 Stage I Vapor Recovery, Bulk Plants With Loading Racks
 Stripping Operation, Equipment Or Furniture Refurbishment
 Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation
 Tire Shredding/Retreading
 Wood Coating Operation Subject To RACT Including Furniture/Millwork Sources Larger Than 10 TPY VOC
 Any Table C Source That Receives 3 Complaints On Different Dates During A One Year Period From Different Individuals Resulting In Violations Resolved By An Order Of Abatement By Consent Or Judicial Action

403.3 Table C Sources:

Abrasive Blasting
Asphalt Day Tanker/Kettle
Cement Products Packaging
Circuit Board Assembly
Circuit Board Manufacturing <5 Tons Per Year Of VOC
Dry Cleaning
Emergency Internal Combustion Engine
Incinerator, Paper And Cardboard Products
Miscellaneous Solvent Use
Packaging, Mixing & Handling, Granular Or Powdered Material Other Than Cement Or Grain
Petroleum Storage, Non-Retail Dispensing Operations Exempted From Stage I Vapor Recovery By Rule 353
Plastic Or Metal Extrusion
Plating, Electroless
Powder Coating
Printing Facilities Without Control And <25 Tons Per Year Of Potential Uncontrolled VOC Emissions
Solvent Cleaning, <3 Gallons Per Day
Spray Coating
Bulk Plant Loading Facilities As Defined By Rule 351, Section 305.1
Storage Tank, Non-Petroleum Volatile Organic Compounds
Vehicle Refinishing
Wood Furniture/Millwork/Small Source Less Than 10 TPY VOC

403.4 Table D Sources:

Service Station And Non-Resale Dispensing Operations >120,000 Gallons Per Year

403.5 Table E Sources:

Fuel Burning Equipment

403.6 Table F Sources:

Aggregate Production/Crushing Subject To An NSPS Under CAA Section 112
Hot Mix Asphalt Plants
Semiconductor Manufacturing ≥ 25 Tons Per Year Potential Uncontrolled VOC Emissions Or Facility With Controls
Any Table A Or Table G Source That Receives 3 Complaints On Different Dates During A One Year Period From Different Individuals Resulting In Violations Resolved By An Order Of Abatement By Consent Or Judicial Action

403.7 Table G Sources:

Aggregate Production/Crushing Not Subject To NSPS Under CAA Section 112
Concrete Batch Plant

Any Table B Source That Receives 3 Complaints On Different Dates
During A One Year Period From Different Individuals Resulting In
Violations Resolved By An Order Of Abatement By Consent Or Judicial
Action

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)